IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.468 OF 2004
IN
SUMMARY SUIT NO.1102 OF 2004.

M/s.Bobcards Ltd. .. Plaintiffs.
Vs.
Yogesh R.Sanghavi .. Defendant.

Mr.S.V.Lad i/b.V.S.Legal Associates for the Plaintiffs.

Mr.V.M.Wagela for the Defendants.

CORAM : S.J.VAZIFDAR, J.
DATED : 26TH AUGUST, 2005.

P.C.:

The suit is filed to recover the amounts due in respect of a credit card facility granted by the Plaintiffs to the Defendant. The claim is in the sum of Rs.1,25,698.84. The Plaintiffs have claimed further service charges on Rs.63,204.08 at the contractual rate of 2.25% per month from the date of filing of the suit till payment and/or realisation.

2. There is no dispute about the fact that the facility was availed of. The only dispute is that there is some error of calculation of service charges. To the extent of Rs.63,204.08, the claim is admitted as having been due on 13.7.2002. Thus, in any event, assuming that Rs.63,204.08 was due and payable on 13.7.2002 and adding thereto, service

charges at the rate of 2.25% per month, the admitted amount comes to about Rs.1,03,000/-, leaving a dispute only regarding Rs.22,000/-.

4. In the circumstances, the Summons for Judgment is made absolute to the extent of Rs.1,03,000/- together with interest thereon at 12% per annum from the date of filing of the suit till payment and/or realisation.

5. In respect of the balance claim, the Defendants are granted unconditional leave to defend the suit.

6. The suit is transferred to the list of commercial causes.

7. The Defendants to file their written statement within 4 weeks from today.

8. Discovery and Inspection to be completed within six weeks thereafter.

9. Summons for Judgment stands disposed of accordingly.